

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MINOR N.S., MOTHER C.C., et al.,

No. CV 12-01989 RS

Plaintiffs,

v.

Safeway, Inc., Retail Stores, et. al.,

Defendants.

**ORDER DENYING REQUEST FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION AND MOTION
FOR PRELIMINARY INJUNCTION**

Plaintiffs “Minor N.S.” and “Mother C.C.” seek reconsideration of this Court’s denial of their request to proceed *in forma pauperis*. As grounds for the motion, they point to other, unrelated cases in which they have apparently been granted *in forma pauperis* status. Civil Local Rule 7-9 permits a party to file a motion for reconsideration of an interlocutory order founded upon “[t]he emergence of new material facts or a change of law occurring after the time of such order.” Here, the prior order is not interlocutory in nature, and plaintiffs have failed (1) to request leave to file the motion, and (2) to identify material facts or a change in the law.¹ The motion is therefore denied.

Additionally, plaintiffs filed a pleading styled as a motion for an injunction, requesting an order restraining retail stores from employing lawyers, purportedly in violation of RICO. Plaintiffs still have not paid the filing fee, as directed by this Court’s prior order. That alone disfavors consideration of plaintiff’s request. In addition, the “motion” was not properly noticed, and, although apparently brought on an *ex parte* basis, it does not comply with the Local Rules governing such proceedings. *See* Civil Local Rule 7-10. Finally, on the merits, plaintiffs have made no effort

¹ To the extent plaintiffs purport to rely on various Rules of Evidence in support of the motion, those provisions of law have no apparent relevance.

1 to satisfy *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008), and it is apparent that their
2 request is wholly meritless. It is denied. Plaintiffs are again reminded that, despite their *pro se*
3 status, they must pay the filing fee and comply with this Court's Civil Local Rules to proceed with
4 this action.

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6 IT IS SO ORDERED.

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8 Dated: 6/5/12



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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE